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COMMITTEE ON THE ELIMINATION OF
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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS THIRTEENTH SESSION

Draft report

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Addendum

## III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

### Zambia

1. The Committee considered the combined initial and second periodic report of Zambia (CEDAW/C/ZAM/1-2) at its 241st and 246th meetings, on 24 and 26 January 1994 (CEDAW/C/SR.241 and 246).

2. In introducing the report, the representative of Zambia emphasised that her country was undergoing serious and far-reaching changes in the political and economic field. After 18 years of one-party participatory democracy, Zambia had reverted back to the multiparty system in 1991. While the women's league of the ruling party had been the sole custodian of women's interests before, each party had now a women's programme. The Government had assumed responsibility for the advancement of women by establishing a women's affairs desk in all government ministries and a women-in-development unit in the National Economic and Planning Department.

3. Zambia had changed from Socialist central planning to a free-market economy. Vigorous efforts had been undertaken in the past two years to

transform the country's economy. SAPs, first introduced in 1987 and reinvigorated in 1991, had had far-reaching consequences. The reports reflected the impact of those measures on women and programmes related to women in development. SAPs had led to the neglect of social development of the country and brought with them diminishing opportunities for women. Suggested cutbacks in the civil service, the greatest employer of women, would affect women and reduce their already limited job opportunities. Infant mortality and malnutrition was increasing because mothers could not provide the needed maize, the basic community, after subsidies had been cut and prices increased.

4. The representative explained how historical and cultural factors had impeded the advancement of women. Zambia was male-dominated in all walks of society, from the formal employment sector to the basic family unit. Stereotyped education and lack of investment in girls' education was one of the main reasons for the continued male dominance. In 1994, families were still not prepared to invest in the education of their daughters as they would for a son. Back to the early days of colonialism, preference had been given to male education whereas girls' education was stopped at junior standard secondary school. That situation was changing only at a very slow pace.

5. Zambia had subscribed to the goals of equality, development and peace set for the United Nations Decade for Women and built up activities to change grass-root realities. The Convention had been ratified in February 1985 without reservations. NGOs had become involved and manifested themselves in different lobby groups, e.g. among the professional women and in the Christian community, where they were caring for disadvantaged women.

6. The Government had made a series of constitutional and legal amendments since 1991. Article 23 of the new Constitution redefined discrimination as widely as possible and included for the first time discrimination on grounds of sex. The previous Constitution of 1964 did not prohibit that kind of discrimination and had been broadly accepted since it was a general view that women needed protection.

7. Regarding temporary special measures as contained in article 4 of the Convention, she reported on action taken by the Government to accelerate equality of men and women. Girls were encouraged to take up technical subjects such as science and mathematics. To increase the level of girl's education, the cut-off points for girls to qualify for secondary education had been lowered and a quota of 20 per cent for girls had been introduced in science colleges. Working women's access to loans had been facilitated, since the consent of the husband was no longer required.

8. The new Government was moving towards uniting customary and statutory law, which would positively affect the status of women. So far customary law had a large bearing on the determination of the issue of marriage and inheritance.

9. Referring to article 7 of the Convention, she confirmed that women in her country had always played an active role in politics. They were the majority of voters, but their representation in Government was low. Only nine of the 160 members of parliament were women, the Cabinet had only two women and there were few women ambassadors. Since the educational system had been discriminatory

against women, women could not fill up that gap through political involvement only. The present re-examination of the educational system would have a tremendous impact on women.

10. Women's issues could not be the centre of attention at a time when the survival of the country as a whole was at stake. The Government had made an effort to consider the situation of women by institutionalizing the offices for the advancement of women, but for the next five years that topic would not come to the centre of the stage, owing in large part to the reconstruction of the economy.

## 1. General observations

11. Members of the Committee thanked the representative of Zambia for her clear and frank introduction to the report and the efforts deployed in the preparation of the report, in particular the addendum, which had been compiled in accordance to suggested reporting procedure and guidelines. Members recalled that they had appealed at previous sessions to States parties to send representatives involved in the preparation of the report for presentation to the Committee. Members commended the Government of Zambia for its commitment for the advancement of women and its ratification of the Convention as early as 1985 without reservations. They took note of the difficulties experienced while trying to translate that commitment into practical steps.

12. Members expressed their concern about the devastating effects of SAPs on women and the relegation of women's issues to the backstage as experienced in Zambia. That was a world-wide phenomenon, and it was recommended that the Committee draw the attention of the international community to the issue. The contradiction that existed between the Convention's article 13, dealing with the elimination of discrimination against women in areas of economic and social life, and the negative impact of SAPs on women needed to be highlighted by the Committee. Zambia was forced to breach article 13 and to a lesser extent article 11 of the Convention because of the economic measures imposed. However, the development of a country depended on the integration of women in development since women accounted for half of the population. Cutting back on women's programmes in times of crisis sounded like an easy excuse from a patriarchal system. In periods of radical reform, it was essential that women be involved in public life and decision-making on important matters such as finances and economic measures.

13. Members requested further information on CEDAW recommendations Nos. 14 and 19. The representative replied that there was no tradition of female circumcision in any part of the country. There were only customs related to the personal hygiene of girls when they reached puberty. Violence against women was widespread and even traditionally accepted as a way of disciplining a wife. Under the Zambian Penal Code, violence against women was a crime and treated as an assault. The Government had been encouraging prosecutions of offenders. Since most women were economically dependent on their husbands and afraid to lose their matrimonial home, they were very reluctant to prosecute their aggressors. Some women did not admit that they had been abused and considered battering as a sign of man's affection.

14. More information was sought on the fact that Zambian law recognized equality between men and women with regard to legal capacity. The representative stated that men and women had the same legal status as persons under the law. The only outstanding legislation that was discriminatory concerned citizenship for the foreign spouse of a Zambian woman. That provision of the law was meant to prevent "marriages of convenience" but was being reconsidered.

15. Members commended the establishment of women's affairs desks in all government ministries as a good example of mainstreaming women's issues and asked whether the Women-in-Development Unit in the National Commission for Development Planning had really fulfilled its objective. The representative replied that the Unit of the Department of Planning and Development Cooperation, formerly the National Commission for Development Planning, was coordinating women's development and women's rights issues. It gathered information and material and made input into development plans and budgetary provisions.

16. Members acknowledged the work accomplished by the Women's League, which had been linked to the previous ruling power. Referring to the establishment of new NGOs and their important role in society, they wanted to know what impact NGOs had on the Women's League and the Women-in-Development Department. The representative stated that, during the one-party participatory democracy, NGOs operated parallel to the Women's League, which was the political wing of the then ruling party. Women's issues were treated differently by the NGOs, which played a supplementary role vis-à-vis the Women-in-Development Department since they had a wider sphere of influence.

17. Questioned about the role of NGOs in changing stereotypes in education and communication, the representative replied that their educational and political activities, both on television and on radio, were very important. They also worked with the National Curriculum Development Department of the Ministry of Education on the revision of the curriculum and educational material.

18. Recalling the considerable time that had passed since Zambia's independence and its ratification of the Convention, members expressed concern about the slow pace in promoting the status of women. They asked whether the measures taken in education and legal reform were not adequate or if the force of customs and the impact of economic reforms prevented progress. The representative considered a combination of different factors as being the main reason. Although some customary beliefs and practices prevented the advancement of women, education had a positive impact on women's self-confidence and on their families who acknowledged the benefits of girls' education. With the advent of SAPs the pace was slowing down temporally, but the legal ground for equality had been prepared.

19. Members wanted to know if there were inherent traditional social factors that prevented women from enjoying their rights fully, in particular the right to employment. The representative explained that basic education and some basic trade skills were the first condition to be in gainful employment in Zambia. Most women in Zambia would be in employment before their marriage, but suspended their professional life once they had to take care of children and a household of their own. Support systems for care did not exist, nor did a concept of

sharing household chores. Day-care centres were a new and expensive phenomenon in the urban areas. Women therefore had no other possibility than to sacrifice their career progression for caring responsibilities.

20. Members regretted the lack of statistical data, which should be given more room in subsequent reports. The representative said that an effort would be made to provide more data and detailed information on women's living conditions in Zambia in the third periodic report.

## 2. Questions related to specific articles

### Article 2

21. Members asked for further information on the reform of the Constitution in 1991 and whether it still contained provisions that allowed discrimination against women. They wanted to receive information on a constitutional committee set up by the President to undertake a harmonization of the Constitution. The representative stated that, in the Constitution of Zambia Act, 1991, the only outstanding issue regarding discrimination was the provision relating to citizenship of foreign men married to Zambian women, which was currently under revision. The Constitution of Zambia Act No. 1 of 1991 addressed the issues of discrimination against women since an offending article 23 of the previous Constitution had been amended and given wider definition. The Constitutional Committee was reviewing the Constitution with a view to securing final approval for the amended Constitution. Asked about measures taken to remove all customary laws, the representative stated that the Constitution prohibited the practice and enforcement of customary laws that were repugnant to natural justice. However, customary law was part of the way of life in Zambia and not codified. There was no ground for removing customary law that was tradition and did no harm. Asked about the situation of widows and their children, the representative said that the question of custody was not an issue in her country since it was generally the widow who took care of her children. Only if she was not able to do so owing to illness or economic hardship would the extended family take charge. If a women lost custody over her children, she could make a petition to the high court. Widows had always been traditionally well protected, but there had been an upsurge of ill-treatment of widows, especially in the urban areas, linked to the advent of the money economy and new-found materialism.

### Article 3

22. Members stated that the report did not present all appropriate measures taken to ensure the full development and advancement of women as required under the article. Hope was expressed that the subsequent report would cover those questions accordingly. More details were required on the budget of the national machinery and its structure. Members asked for a description of the objective situation of women, in particular persisting traditional customs that affected women negatively. The representative said that those questions would be appropriately addressed in the subsequent report.

Article 4

23. Members welcomed the integration of a chapter on women in development in the fourth national development plan (1989-1993) and asked for the results achieved as well as information on the coordination of women's activities in the different areas.

24. They wanted more information on temporary special measures, including the lowering of cut-off points for girls to qualify for secondary education and the introduction of a quota system for girls in science colleges. They wanted to hear about the reasons for lowering grading and if the society accepted that measure. The representative informed the Committee that girls and boys had the same curricula, the same examinations and the same teachers. Ninety per cent of the schools were coeducational. Affirmative action was a means to enable more girls to have access to higher education, since girls were a minority from the first day in school and even more so at the end of the seven-year primary education cycle, when more girls had dropped out. That did not imply that girl's educational achievements were bad. The measure had been generally well accepted, although some felt that women should compete on an equal footing with men.

Article 5

25. Members wanted to know which measures had been taken to change the practice of dowry and bride price and whether progress was achieved in the rural areas. The representative stated that the payment of a bride price, which had always been a token, was widespread practice and very well accepted. No substantial change in the practice was reported from the rural areas.

26. Asked whether women could get divorce, the representative replied that divorce procedures were different for marriages contracted under the Marriage Act, which had to be dissolved in the High Court of Zambia, and customary marriages, which could be dissolved in local courts. Regarding a question on the activities of the Women-in-Development Department and NGOs to combat violence against women, the representative stated that violence against women was a high-profile topic dealt with in seminars, television and radio interviews and theatrical performances.

Article 6

27. Members found it discriminatory that in the case of prostitution, which was an illegal activity, only women were taken to police stations and not their male customers. They expressed the view that considering prostitution illegal and arresting prostitutes did not resolve the problem, but rather exacerbated it. They referred to the pick-up of prostitutes in streets and asked whether women had the opportunity to prove their innocence after being arrested. The representative noted that trafficking in women was not a problem in Zambia, but that prostitution existed. A woman arrested for prostitution must be charged and prosecuted in a court of law, where she had an opportunity to prove her innocence or to sign the admission-of-guilt form.

Article 10

28. Members expressed their concern about the high illiteracy rate among women. The representative replied that Zambia had one of the best "functional" literacy programmes, which were community-based in the rural and the urban areas. Various women's activities were used for those programmes, which taught women how to unite. Questioned about the main reasons for the high drop-out rates of girls from school after the first level, the reply was that large family sizes made it economically difficult for parents to send all their children to school. Preference was given to the education of sons, who were expected to become the breadwinners of the extended family. Little value was attached to the education of girls, who were traditionally prepared for their future role as good wife and good mother.

Article 11

29. Members observed that the heavy involvement of women in the informal sector was a predominant feature in developing countries. Those women were often harassed by police and law enforcement for their activities. The informal sector had an illegal connotation, although women in the informal sector contributed to the economy and paid taxes. Women in the informal sector should start to organize and negotiate with the Ministry of Labour. The international community should look at women's activities in the informal sector. Stating that employment and the economic sector were most important for the status of women, members asked if the Government was taking measures to provide jobs for women. In her reply, the representative referred to the Constitution of Zambia, which recognized the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. The Government was committed to providing jobs for women, but the SAP had brought with it a contraction of the labour market, which should be only temporary. Asked if there was a professional orientation for the jobs that were available for women on the job market, she said that women were not oriented towards certain professions or fields, but free to go for a career of their choice depending on their qualifications.

Article 12

30. Members asked for more information on women's reproductive rights and the use of contraception. The representative replied that women traditionally had no control over their reproductive rights and could not refuse to have children. The basis of a marriage in a traditional setting was to have children. The use of contraceptives was widespread. In reply to the question whether abortion was allowed, she said that, under the Termination of a Pregnancy Act, an abortion could be performed on medical grounds only, if there was a threat to the life of the mother or the foetus and on recommendation of three medical practitioners. Members also wanted to know if there was a population policy to lower the birth rate. The representative said that the Government was intervening to lower the birth rate through the provision of family planning services and free contraceptives. Population trends indicated that Zambia's population could double in the next 20 years if the growth rate of 3.2 per annum was maintained. Members sought an explanation for the demographic imbalance in the population, with 60 per cent of the population being female. The representative said that

it could not really be explained, but was due to the high female birth rate and high male death rate. Life expectancy for females was 55 years while it was 53 years for men. There was no out-migration of men that left women on their own. Internal migration from rural to urban areas had involved the most productive groups, mainly the young, better educated and enterprising elements, and had had negative effects on both the rural and the urban areas.

31. The mortal diseases affecting women were malaria, disorders of pregnancy, delivery complications, disease of the genitro-urinary system, accidents and injuries, respiratory diseases and AIDS-related complications.

32. Concerning maternity leave for employed women and family benefits for women, the representative stated that women were entitled to three months of paid maternity leave after two years of service and at intervals of two years according to the Employment Act. That was considered a good family planning policy since it allowed for spacing of children.

Article 14

33. Members stated that the situation of rural women was very critical and required information on the hardship of rural women, the constraints on their time and the success and failure of development programmes.

Article 15

34. The Committee asked for more information on the financing, staffing and functions of the women's affairs subcommittee.

Article 16

35. Members sought more information on the number of female-headed households, their economic situation, their concentration in rural and/or urban areas and their strategies for survival. The representative said that she was unable to provide replies to the questions under articles 14, 15 and 16. Responses would be incorporated in the third periodic report.

Concluding observation

36. In her concluding remarks, the representative stressed that women in Zambia had not benefited as much as men from the services and opportunities of the country although the constitutional statutes did not discriminate against women. Equal opportunities meant also equal sharing of responsibilities between women and men, both inside and outside their homes, but women's workload in the household was disproportionately larger. She stated that SAPs had fallen heavily on women. However in the restructuring process and the new liberal environment, measures were being taken that would enable women to attain a quality of life that would be equal to that of men.

37. Members commended the Government of Zambia for its effort to eliminate de jure discrimination while harmonizing the Constitution and to institutionalize the national machinery for the advancement of women. The Committee thanked the representative of Zambia for her knowledgeable

presentation and the competent way in which she had replied to the questions. Members looked forward to receiving the outstanding information in the third periodic report. The Committee also encouraged the representative to comply with the guidelines for the establishment of reports in the preparation of the next report.

38. With regard to customary law, the Committee stated that customary practice and customary law had different meanings in the various cultures but needed to be examined as to their impact on women. If they affected the status of women negatively such as forced marriage or circumcision, then they needed to be eliminated. There was no question of rejecting all customary practices and traditions. Countries went through a transitional period when they had to decide which practice to keep or to eliminate; it was important to have the choice. The Committee encouraged the Government to identify cultural practices that might have stemmed from pre-colonial times under each article of the Convention. That would help the country and the Committee better to understand how customary practice affected women. Members also invited the representative to consider how other countries of the region had tackled customary practice and law.

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